

UNITED STATES DISTRICT COURT
for the
District of Arizona

D-57
D-61-115
United States of America
v.
Omar Alfredo Diaz-Moreno,
a.k.a.: Omar Diaz-Moreno,
a.k.a.: Rafael Olivas,
a.k.a.: Ruben Casillas,
(A201 020 091)

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Case No. 17-6290mJ

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of August 11, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Omar Alfredo Diaz-Moreno, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Del Rio, Texas, on or about March 31, 2013, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

Ceb

REVIEWED BY: Charles E. Bailey, P.S. for SAUSA Ryan J. Goldstein

Continued on the attached sheet.

[Signature]
Complainant's signature
Gilbert V. Longoria,
Deportation Officer
Printed name and title

[Signature]
Judge's signature

Sworn to before me and signed in my presence.

Date: August 14, 2017

City and state: Phoenix, Arizona

David K. Duncan,
United States Magistrate Judge
Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Gilbert V. Longoria, being duly sworn, hereby depose and state as follow:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On August 11, 2017, while assisting the Bureau of Alcohol Tabaco and Firearms, the Phoenix ICE Fugitive Operations Team encountered Omar Alfredo Diaz-Moreno, during a search warrant on West Van Buren Street, in Phoenix, Arizona. At the scene, ICE Officer R. Moore interviewed Diaz-Moreno and determined him to be a citizen of Mexico, illegally present in the United States. On the same date, Diaz-Moreno was transported to the Phoenix ICE office for further investigation and processing. Diaz-Moreno was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Omar Alfredo Diaz-Moreno to be a citizen of Mexico and a previously deported criminal alien. Diaz-Moreno was removed from the United States to Mexico at or near Del Rio, Texas, on or about March 31, 2013, pursuant to the reinstatement of an order of removal issued by an immigration official.

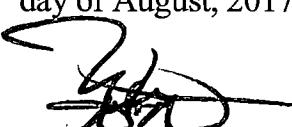
There is no record of Diaz-Moreno in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Diaz-Moreno's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Omar Alfredo Diaz-Moreno was convicted of Smuggling Humans, a felony offense, on or about August 20, 2012, in the Superior Court of Arizona, Yavapai County. Diaz-Moreno was sentenced to sixty-seven (67) days' incarceration and eighteen (18) months' probation. Diaz-Moreno's criminal history was matched to him by electronic fingerprint comparison.
5. On August 11, 2017, Omar Alfredo Diaz-Moreno was advised of his constitutional rights. Diaz-Moreno freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about August 11, 2017, Omar Alfredo Diaz-Moreno, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Del Rio, Texas, on or about March 31, 2013 , and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply

for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

Gilbert V. Longoria,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 14th day of August, 2017.


David K. Duncan,
United States Magistrate Judge